

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER M. PAYNE,)	
)	
Plaintiff,)	4:11CV3017
)	
v.)	
)	
FRED BRITTEN, CHRISTOPHER)	ORDER
CONNELLY, MICHELLE)	
HILLMAN, LEE TINKLER, JERRY)	
BELL, MAILROOM PERSON 1,)	
MAILROOM PERSON 2, ET. AL.,)	
BENNY NOORDHOEK, CARINA)	
MCROBERTS, and J KUNZMAN,)	
)	
Defendants.)	
_____)	

Upon Plaintiff's filing of a Notice of Appeal (Filing [152](#)) and Motion for Leave to Proceed in Forma Pauperis on Appeal (Filing [153](#)), I hereby advise Plaintiff that **the filing of a notice of appeal will make him liable for payment of the full \$505.00 appellate filing fee regardless of the outcome of the appeal.** This is because the Prison Litigation Reform Act requires an incarcerated civil appellant to pay the full amount of the \$505.00 appellate filing fee by making monthly payments to the court, even if he or she is proceeding in forma pauperis. [28 U.S.C. § 1915\(b\)](#). By filing a notice of appeal, Plaintiff will be consenting to the deduction of the \$505.00 filing fee from his prison account by prison officials. Accordingly,

IT IS ORDERED:

1. If Plaintiff wishes to withdraw his Notice of Appeal (Filing [152](#)) and Motion for Leave to Proceed in Forma Pauperis on Appeal (Filing [153](#)), Plaintiff shall inform the court of such withdrawal within 10 days of the date of this order;

2. This court shall begin preliminary processing of Plaintiff's appeal by ordering from Plaintiff's institution a trust account statement reflecting Plaintiff's account activity and balance for the six months preceding the filing of the Notice of Appeal (Filing [152](#)); and

3. The Clerk of Court shall (a) order from Plaintiff's correctional institution a trust account statement reflecting Plaintiff's account activity and balance for the six months preceding the filing of Plaintiff's Notice of Appeal, and (b) file such statement in this case.

DATED this 18th day of November, 2015.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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